

On 5-7-2015 at approximately 1:22am I (Cpl. Tomlinson) was dispatched to 33W Elm for a threat report. I arrived and spoke with the complainant/victim whom was identified as Nicholas Rodriguez's wife and a friend of hers which they both lived with at 33 W. Elm Street. Mrs. Rodriguez and her friend said Nicholas Rodriguez made threats to Mrs. Rodriguez while they were walking from 33W. Elm to the convenience store at Leverett and Poplar.

Mrs. Rodriguez stated that in the past, Mr. Rodriguez had used physical force against her and made threats stating "If you ever leave me, I will kill you." Mrs. Rodriguez stated that Mr. Rodriguez did not make any blatant threats on this date. Mrs. Rodriguez stated Mr. Rodriguez hugged her forcefully while saying that he loved her. Mrs. Rodriguez further stated that while Mr. Rodriguez was hugging her he placed his arm around her neck giving the appearance that he was hugging her. Mrs. Rodriguez said Mr. Rodriguez squeezed his arm around her neck briefly. I asked if Mr. Rodriguez caused any injury and she said when Mr. Rodriguez tightened his arm around her neck, he restricted her air flow and she was unable to breathe. Mrs. Rodriguez said she pushed Mr. Rodriguez away and subsequently entered the convenience store, at Leverett and Poplar, at which point she asked the clerk to keep Mr. Rodriguez away from her. Mrs. Rodriguez said the clerk picked up the phone and Mr. Rodriguez ran away.

Mrs. Rodriguez said based on Mr. Rodriguez's history of domestic violence with her and his history of threatening behavior coupled with him choking her, she was in fear for her safety.

At approximately 4:51am, I (Cpl. Tomlinson) was patrolling in the area of 33W. Elm in an effort to locate Mr. Rodriguez who was still at large. While travelling west on Elm from Green Acres, I could hear what was later identified as smoke detectors and could smell what I believed to be a home on fire. As I neared 33W. Elm I observed flames on the east side of the home. I positioned my patrol vehicle in front of the residence and ensured all occupants were safe and away from the structure, which upon further investigation was on fire; this included the east, north and west sides. An occupant, whom I had spoken with previously approached my patrol vehicle frantically and stated "He tried to burn my house down with my babies inside!" I (Cpl. Tomlinson) clarified with her to whom she was referring, and she said she believed Mr. Rodriguez had set the fires. Three adults (one being Mrs. Rodriguez) and 3 children escaped from inside the burning residence. However this was not easy due to fire was at every doorway. One adult victim had to extinguish flames from the front doorway in order to get his children out and the remaining victims had to jump over flames to exit the house from another doorway; at this time the house was filling quickly with smoke. Officer J. Collins located Mr. Rodriguez walking north on Gregg nearing Township. Mr. Rodriguez was arrested for Aggravated Assault on a Family or Household from the previous report that morning.

The Fayetteville Police Department's Criminal Investigation Division and the Fire Department's Fire Marshall's collectively investigated this crime. Preliminary results indicated arson was committed at 33 W. Elm, a single story residence, which occupied 2 families including children. Furthermore fire had been intentionally set at all 3 doorways of the residence which were located on the east, north, and west sides of the residence. It appeared fire was ignited at all doorways in addition to the structure itself, in an attempt to prevent any occupants from exiting the residence.

Nicholas Rodriguez was read his Miranda Warnings and provided a statement to investigators (Det. Knotts and Det. Robbins). He admitted he was having troubles in his marriage and he believed his wife would leave him for another man. Mr. Rodriguez said he came back to 33 W. Elm early in the morning before sunrise and retrieved a gas container from the back of his neighbor's truck. He stated he poured gasoline at all the doors of the residence and then returned the gas container; he then ignited the gasoline at every door with his lighter. Mr. Rodriguez said he then went across the street and waited. It should be noted he knew all occupants were inside the residence because he had been watching them throughout the night. He said he observed the fire spreading and he eventually saw three of the occupants come out of one of the doors. He then fled from the scene because he heard sirens and emergency vehicles responding. Mr. Rodriguez said he was only trying to scare his wife. We informed Mr. Rodriguez this was not just a scare tactic, due to setting fire at every door and it involved more victims than just his wife. Rodriguez appeared remorseful but all evidence and facts support he intended to trap the occupants inside the burning residence.